

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DREW E. BURBRIDGE,)	
)	
Plaintiff,)	
)	
v.)	Cause No.: 4:17-CV-02482-SRC
)	
BRIAN ROSSOMANNO, et al.,)	
)	
Defendants.)	

SUGGESTION OF DEATH

COMES NOW Counsel for Plaintiff Drew Burbridge, and pursuant to Federal Rule of Civil Procedure 25(a)(1), provides notice of the following:

1. On information and belief Plaintiff Drew Burbridge died on January 31, 2021.
2. On information and belief, Plaintiff's claims are not extinguished because of his death and the Court may order substitution of the proper party pursuant to F.R.C.P. 25.
3. Counsel is still in the process of establishing who that proper successor party should be.
4. Pursuant to F.R.C.P. 25, a motion for substitution will be made within 90-days of this service of statement noting death (or no later than Wednesday May 12, 2021).
5. Counsel notes that this matter is currently before the United States Court of Appeals for the 8th Circuit for an interlocutory appeal in a cause titled *Drew Burbridge v. Marcus Biggins, et al.*, Appeal No. 20-1029.
6. Pursuant to Federal Rule of Appellate Procedure 43(a)(1), "[i]f a party dies after a notice of appeal has been filed or while a proceeding is pending in the court of appeals, the decedent's personal representative may be substituted as a party on motion filed with the circuit

clerk by the representative or by any party. A party's motion must be served on the representative in accordance with Rule 25. If the decedent has no representative, any party may suggest the death on the record, and the court of appeals may then direct appropriate proceedings.”

7. A suggestions of death has been concurrently filed with the 8th Circuit Court of Appeals pursuant to F.R.A.P. 43(a)(1).

8. Once the decedent’s successor or representative is determined by counsel, a motion to substitute parties will be made pursuant to Rule 25..

WHEREFORE, counsel provides this suggestion of death and gives notice that a motion to substitute parties will be made on or before May 12, 2021.

Respectfully submitted,

NEWTON BARTH, L.L.P



By:

Talmage E. Newton IV, MO56647
talmage@newtonbarth.com
555 Washington Ave., Ste. 420
St. Louis, Missouri 63101
(314) 272-4490 – Office

Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically served on all parties of record via the court’s e-filing System on this 11th day of February, 2021.

/s/ Talmage E. Newton IV